

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES FORDJOUR,

Petitioner,

v.

ROBERT MUELLER III,

Respondent.

No. C 08-3162 MMC (PR)

**ORDER GRANTING  
PETITIONER'S MOTION FOR  
CHANGE OF VENUE;  
TRANSFERRING ACTION TO  
EASTERN DISTRICT OF  
CALIFORNIA**

**(Docket No. 3)**

On May 27, 2008, petitioner, a California pretrial detainee incarcerated at the Kings County Jail in Hanford, California, and proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court for the Eastern District of California. On June 17, 2008, the petition was transferred to the Northern District on the ground of improper venue, specifically, that "petitioner is challenging a conviction from Santa Clara County." (Order of Transfer, filed June 17, 2008, at 1.) On July 16, 2008, petitioner filed an emergency motion for change of venue to have the petition transferred back to the Eastern District, stating he is not challenging the Santa Clara County conviction, which conviction was vacated in 2007, but, rather, is challenging his ongoing pre-trial detention at the Kings County Jail on criminal charges filed against him by the Kings County District Attorney's Office in April 2008.

The Court has reviewed petitioner's motion and the petition herein. Although petitioner does make mention of his Santa Clara County conviction in the petition, the Court concludes that the underlying basis for the petition is petitioner's challenge to the validity of

1 his current pre-trial detention on criminal charges in Kings County.

2 Pursuant to 28 U.S.C. § 2241(d), venue for a habeas action is proper in either the  
3 district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). In the instant  
4 action, Kings County, which is the both the district of confinement and the district in which  
5 criminal charges are pending against petitioner, is located within the venue of the Eastern  
6 District of California. See 28 U.S.C. § 84(b).

7 Accordingly, pursuant to 28 U.S.C. § 1406(a), and in the interest of justice,  
8 petitioner's motion for change of venue is hereby GRANTED and the above-titled action is  
9 hereby TRANSFERRED to the United States District Court for the Eastern District of  
10 California.

11 This order terminates Docket No. 3.

12 IT IS SO ORDERED.

13 DATED: August 1, 2008

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MAXINE M. CHESNEY  
15 United States District Judge  
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